

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GREGORY V. LEE, \$4,675.00 in U.S. Currency,
One 1997 Ford Expedition, VIN #1FMFU18L4VLB79261,
N.Y. LIC. No. #DGB-8080,

Plaintiff,

v.

No. 1:08-CV-396
(DNH/DRH)

THE CITY OF KINGSTON NEW YORK POLICE
DEPARTMENT, et al.,

Defendants.

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

ORDER

In an order filed August 29, 2008, plaintiff Gregory V. Lee ("Lee") was directed either to (a) file an amended complaint with sufficient copies for service upon the twenty defendants or (b) if no amended complaint were filed, provide sufficient copies of the original complaint for service of process on the defendants by the United States Marshals Service.¹ Docket No. 11. Lee was directed to complete either action by October 1, 2008 or the action would be dismissed. Id. Lee has failed either to file an amended complaint or to provide copies of the original complaint for service of process on defendants. Accordingly, since this action cannot proceed in the absence of Lee's compliance with the August 29, 2008 order, it is hereby

RECOMMENDED that the complaint be **DISMISSED** in its entirety without


¹Lee's application to proceed in forma pauperis was previously granted. Docket Nos. 2, 5.

prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for Lee's failure to comply with the August 29, 2008 order.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE APPELLATE REVIEW.** Roldan v. Racette, 984 F.2d 85 (2d Cir. 1993) (citing Small v. Secretary of HHS, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

IT IS SO ORDERED.

Dated: October 17, 2008
Albany, New York


United States Magistrate Judge